

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 12 and 16 are requested to be cancelled.

Claims 1, 8-11, 15, 17 and 20-22 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5-11, and 13-28 are now pending in this application.

**Amendments to the Abstract**

The Abstract was amended to for informalities. In response, an amended Abstract is attached on a separate page at the end of this Amendment to replace the previously submitted Abstract. Accordingly, Applicants request that the objection be withdrawn.

**Claim Rejections under 35 U.S.C. § 112**

Claims 12, 16, 17, 23, 24 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12, 16 have been canceled and claim 17 has been amended to correct any antecedent basis errors. Concerning claims 23, 24 and 28, contrary to the assertion in the Office Action, claim 23 properly refers to limitations in claim 1 as specified and allowed by M.P.E.P. § 2173.05(f). Accordingly, Applicants respectfully request that the rejection be withdrawn.

### **Double Patenting**

Claim 11 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/349,668. In response, deferral of a response to this rejection is requested until patentable subject matter has been indicated by the PTO, at which time a terminal disclaimer will be filed (or arguments made as to why this rejection is incorrect).

Claim 16 was objected to under 37 C.F.R. § 1.75 for being a substantial duplicate of claim 12. Both claims 12 and 16 have been cancelled making this rejection moot.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1-7, 9, 11-12, 16-21 and 23-28 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,772,144 (“Brid”). In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 1, 8-11, 15 and 20-22 to further define the invention. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that Brid does not describe each and every element of independent claims 1, 8-11, 13, 15 and 20-22.

Independent claims 1, 8-11, 13, 15 and 20-22 are directed toward a method, computing device, network or server for delivering data to any of two or more data-handling devices having different handling capabilities. For example, claim 1 recites the steps of storing the versions of the initial portions of the data and upon receipt of a request for data, adapting one of the preferred or alternative version of the initial portions of the data by augmenting the initial portion of the data with dynamically generated data, wherein the method determines with which version of the initial portion of the data the dynamically generated data fits most appropriately and augments that version with the dynamic data, and

delivering the initial portion of the data augmented with the dynamically generated data to at least one data-handling device.

Accordingly, the claimed invention not only adapts data for display on a specific device for but also allows a layout to be tailored to dynamic data of differing lengths, unknown nature at the time of creation of the initial portion of the data or other similar situations. For example, the claimed invention determines whether the dynamic data to be displayed is better viewed using the preferred or alternative version of the initial portion data. The dynamic data is then displayed using the better of the alternative or preferred versions.

In contrast, Brid does not disclose each and every limitation of the claimed invention. Brid is directed to generating an adaptive layout. Brid discloses generating a device independent template and a second device-specific template associated with a specific device. *See* Col. 2, lines 13-15. The device-specific template defines a data representation format for displaying the requested data on the device generating the request. *See* Col. 2, lines 17-19. Brid does not disclose determining whether the requested data would be formatted better using the independent template or the device-specific template. Instead, the data is manipulated into a format specified by the device-specific template. *See* Col. 4, lines 61-65. Accordingly, Brid does not disclose teach or suggest determining “which version of the initial portion of the data the dynamically generated data fits most appropriately and augment[ing] that version with the dynamic data” as claimed in independent claims 1, 8-11, 13, 15 and 20-22.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, Brid fails to disclose the above-referenced limitation in any detail. If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Brid. Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 1, 9-11, 13, 15 and 20-22 be allowed. Further, claims 2, 3, 5-7, 12, 14, 16-19 and 23-28 depend from one of claims 1, 8-11, 13, 15 and 20-22 and should therefore be allowed for at least the reasons set forth above without regard to further patentable limitations recited therein.

**Claim Rejections under 35 U.S.C. § 103**

Claims 8, 13, 15 and 22 were rejected under 35 U.S.C § 103(a) as being unpatentable over Brid.

As stated above, Brid fails to disclose teach or suggest each and every limitation of independent claims 8, 13, 15 and 22. Accordingly, for at least the reasons set forth above, independent claims 8, 13, 15 and 22 should be allowed.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

*At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.*

Respectfully submitted,

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